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## THE REORGANIZATION OF STATE GOVERNMENT IN KANSAS<sup>1</sup>

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During March of 1913 Governor George H. Hodges of Kansas was the most talked-of and written-about governor in the United States. His message of March 11 to the Kansas legislature was probably the most quoted message of the year. To students of state government this message presented nothing new. It probably would be just as true to say that much of this message presented little that was new to the great majority of intelligent voters. It certainly suggested nothing unfamiliar to most thinking legislators in Kansas. Nevertheless it was a unique message and it merited all the publicity it received. That this should be true is one of the paradoxes of American politics.

For years editors, students, and legislators themselves have been making the same criticism of our American methods of lawmaking that Governor Hodges makes. And from many quarters had come practically the same proposal for reform that the governor advocates. One of our American States had attempted the year before by direct popular action, to adopt a much more thorough going scheme of state reorganization. But we are a conservative people, and for some reason or another, we are but slightly stirred by criticism or suggestion for change in our governmental machinery unless it comes from an official source. Let congress suddenly discover that there is an insidious lobby at Washington and we all demand immediate house cleaning. Let a mayor expose graft in the police department and we clamor for reorganization. And let a governor tell us that the people are not really represented at the capital and we

<sup>1</sup> A paper read at the eleventh annual meeting of the American Political Science Association.

make him our oracle. Until we have just such confirmation of what we have long known, however, we live serenely confident in the excellence of our government, and speak contemptuously of "muckrakers." Perhaps this is as it should be. At any rate, it is.

Mr. Hodges' message may, therefore, become "epoch-making." It is, at least, an important political document. In it the governor says without reservation that our time honored system of lawmaking has broken down and needs a thorough overhauling. He then presents, in outline, a constructive proposal for the reorganization of our legislative department—a small one-house body in which the governor shall have a seat, meeting without restriction as to session and elected for four or six years. Governor Hodges adds "For myself, I can see no reason why this new idea of government by commission should not be adopted for the transaction of the business of the State." Whether used inadvertently or not, for he had referred to the success of commission government in cities in the preceding paragraph, the phrase "commission government for the State" was immediately fastened upon the governor's proposal, in Kansas and out, and it appears upon the program of this meeting.

"The Kansas idea" so-called is sailing under false colors. Much has been said for it and against it in many places because it is clearly misconceived. Advocates of the commission form for cities have sought to prove that it will work wonders in the State as it has in cities. Opponents of the commission plan for cities have found that it will mean bureaucracy in the State. Others have sagely shown that the problem of state government is so different that what has been good for cities may not be good for States. Even the Kansas newspapers confuse the proposal with the city commission. Referring to the message, *The Iola Register*, a stalwart Republican paper edited by Ex-Congressman Charles F. Scott, declared that "the fundamental fault with the commission plan of government for a State is that it combines the legislative and executive powers, and there cannot be found in history a case where such a com-

bination did not result in bad government." The *Lawrence Democrat*<sup>2</sup> declared that "it combines the executive with the legislative department and bestows altogether too much authority upon a few men." This editor, it might be said, was nevertheless an active advocate of commission government for the city of Lawrence. The *Beloit Call* was opposed to the plan for cities or States since it "establishes a bureaucratic system of government," and the *Syracuse Journal* speaks of the plan as a scheme for abolishing the legislative branch of the government. The *Salina Union* suggests "as a workable compromise" an elective commission to take the place of the present administrative organization, leaving the legislature as it is now organized. It must be very evident that this suggestion is not a compromise at all for it does not touch the matter of the Hodges' plan.

That an orthodox scheme for a state governing commission has been advocated in Kansas is perfectly clear. The *Kansas City Star*, a Missouri paper with a host of Kansas readers, has for several years tried to persuade Kansas that Kansas is the logical State to try out a commission. Eight men should pass the few necessary laws and, with the help of a few department clerks, conduct the administrative business of the State—this is the substance of the *Star's* scheme, and one which it has often referred to as the Hodges' plan.

Mr. Hodges has not always been careful in the use of terms nor in making his argument for legislative reorganization but it is certain that he has refused to be responsible for the *Star's* statement of his case. At the governor's conference in Denver, August 1913, he took occasion to say, "I have not at any time proposed, as I have been credited with doing, commission government for the State. If it is ever attained, I think it must be step by step, and so my proposition is for a small single house legislature as the first step. If it prove a success it will then be time to consider the question of taking another step. What we now want is a legislature in which there will be real

<sup>2</sup> After the adjournment of the Legislature of 1915 this paper came out in favor of a one-house body.

deliberation and real responsibility." Whether the governor looks forward to a complete reorganization of the state administrative system or not, or whether, if he does, he would wish to merge political and administrative functions to the extent of having elected officers both make laws and be real executives, I have not been able to determine from what he has said or written. He has often quoted from the speech of President Wilson which begins "Elaborate your government; place every officer upon his own little statute; make it necessary for him to be voted for, and you will not have a democratic government." It is a familiar passage to those who have followed the campaign for a shorter ballot. President Wilson, in this address, evidently aimed at our complicated and futile process of electing administrative officers and the resulting irresponsibility. But Governor Hodges uses this short ballot address to bolster his argument for a reduction in the number of our legislators, apparently overlooking the fact that under his proposal the people would still vote for the same number of representatives or perhaps more.

It might be urged that the election of members on a non-partisan ballot and the place of the governor in the system give it the commission character. It should be noted, however, that the alternative of minority representation is provided, so that, after all, this is merely a device for making the body as representative as possible. The giving of *ex-officio* membership in the legislature to the governor does not alter his administrative position at all but is designed to strengthen his political position. We can, therefore, take Mr. Hodges at his word and conclude that the Kansas plan of which we have heard so much is not a commission plan.

To give an adequate account of what is going on in Kansas in the direction of reorganization it is perhaps necessary to give a fuller account of Mr. Hodges' position. The analysis which follows is based upon his plan as it developed in 1913. It was the subject of a good many addresses which he delivered in all parts of the State—addresses illustrated by many examples of ridiculous and meaningless legislation passed while he was a

member of the state senate. The criticism of the existing legislative organization may be summed up under several heads.

1. The two house system is neither efficient nor representative. The people have recognized this in the constitutional restrictions upon legislative action and in the governor's veto.

2. A bicameral body yields readily to the political expert and to the private interests but not to popular control.

3. This organization results in cumbersome and complicated legislation and is responsible for many crude and ill digested laws.

4. The public cannot lay the responsibility for pernicious legislation upon any particular member of the legislature.

5. There is no incentive to the individual to accomplish anything.

6. Sessions are short and most members have no legislative experience. The wonder is that we get anything good.

7. The closing days of the session, with the omnibus roll calls, make for haste and duplication. As evidence on this point Mr. Hodges cites the fact that chapters 177 and 178, and 174 and 175 of the Kansas Laws of 1913 are duplicates. Chapter 75 of the Laws of 1913 was repealed three times. Chapter 318 of these same Laws was immediately amended by chapter 319. Chapter 82 of the Laws of 1911 was repealed by section 7 of chapter 89 of the Laws of 1913 and after being repealed was then amended and again repealed by chapter 198.

8. The check and balance feature of bicameralism has not made for deliberation or guaranteed real representation.

9. The joint committee on revision of the calendar, during the last week of the session, becomes the body which actually dictates what enactments shall comprise one half the laws upon the statute books.

A summary of the constructive features of the plan repeats in part what has already been said but it is here set down in full.

1. A one house body of not more than sixteen members.

2. This body to be elected, two from each congressional district, or one from each district and the other eight at large; or

perhaps nominations should be made by districts and all sixteen elected at large.

3. The ballot should be nonpartisan or provision should be made for minority representation.

4. The governor should be *ex-officio* a member, and the presiding officer of this assembly.

5. It should meet in frequent regular or adjourned sessions as exigency may demand.

6. The term of office should be four or six years with provision for the rotation of terms.

7. The salary paid should justify members in devoting their whole time to the public business.

8. The journal of the proceedings of this body should be published and distributed by the State to every voter.

9. Provision should be made for the recall and for the initiative and referendum.

It appears, then, that the movement for reorganization in Kansas is purely in the direction of legislative efficiency. It is the kind of reform which was proposed at the Ohio constitutional convention, and it has some of the features of the Oregon proposal. Conversely it is radically different from the recommendations made recently in Minnesota and Illinois, and also from the semi-official plans which have been advocated in Oklahoma and Colorado. Whether it will come to anything in the near future is a matter of sheer speculation. During the spring and summer of 1913 many of the leading state newspapers commented favorably upon the governor's message and it received endorsement from a number of local associations such as the Wichita Realty Men's Association.

But that any support for any such proposal may be expected in the next legislature it is idle to predict or to deny. Nothing was heard on the subject in the campaign, the party platforms omitted mention of it—even Mr. Hodges' party, the Democratic, was silent on the subject—and no non-political group has come forward to champion it. Mr. Hodges has declared several times, however, that he has not wanted the question to become a political issue and Kansas has taken him at his word. But it

is probable that a resolution providing for an amendment such as the governor suggested will be introduced. Senator J. W. Howe, a close political friend of Mr. Hodges has already prepared such a resolution. It follows very closely the plan outlined above, a legislature of sixteen, two members from a district, four regular sessions a year, four year terms—one half the members to retire biennially—and provisions for the filling of vacancies by the governor except within sixty days of a regular election. No change is made in administrative organization by this resolution and Mr. Howe makes it very plain that he seeks legislative change only.<sup>3</sup>

Where are we in this matter in Kansas? I do not know. No one in Kansas does. We have heard almost nothing about reorganization for a year, except in our colleges and high schools where it has been a favorable debate question. I have answered scores of letters touching the subject but they have come from outside of the State. I think it is a safe guess that Kansas will not be the first State to radically revise the present state organization. We have a reputation for being radical in our State but in many ways I think it is quite undeserved. In legislation we have held our own with progressive States and in some directions we have led the van. But in the field of constitutional amendment Kansas has been very conservative. We believe in the fathers, both state and national, and in the good old words republican and democratic spelled without capitals. We are, in the main, pretty well satisfied with our government, and perhaps we have reason to be. Kansas is prosperous and contented—it stands high in per capita wealth and in the number of motor cars owned and operated. This may explain the type of conservatism of which I speak. There may be other explanations. Kansas is still puritan and rejoices in the fact. There are no large cities in the State. There are few, if any, millionaires and there is relatively little abject poverty. The labor problem is not acute. All of these facts may help to account for this conservatism. We do not as

<sup>3</sup> This resolution was introduced but it received scant consideration.

yet have municipal home rule,<sup>4</sup> the initiative and referendum, widows' pensions or industrial insurance—such things as one might expect in what we call progressive States. The recall which was adopted at the recent election was a farce initiated by opponents of popular government. The amendment providing for a modern tax system was recently defeated. There are rumors afloat which means that the direct primary<sup>5</sup> is to be attacked in the coming legislature.

I do not for a moment wish to imply that Kansas is reactionary—as that word is now being used. I am merely suggesting that Kansas is sufficiently conservative<sup>6</sup> to wish to see some other States try a reorganized state system first. I hope that I am wrong. I should like to see a thoroughgoing change made in our system of making law and Kansas is for many reasons a good field for such an experiment. Since Kansans are what they are no harm could be done.

I believe that legislative reform should aim in two directions. First of all law making ought to be made a simpler concern and a legislature should be created with that end in view. Modern conditions demand a single relatively smaller body working without the elaborate checks which once seemed necessary. We need to utilize legislative experience. There is nothing gained nowadays in passing memberships around for we can develop political interest in scores of other ways. We need publicity of measures and men and that can only come by making the legislature a forum such as it once was. We must make it attract the men we want to see there.

In the second place the restrictions which our constitutions have gradually heaped upon legislative bodies should be swept away. They should be freed from the task of legislating for purely local needs. They should be allowed a larger freedom in method and procedure. Many of the constitutional guarantees we once thought so necessary can well be dispensed with. Let us not constantly invite the court to legislate. Put the

<sup>4</sup> Introduced and defeated in the 1915 session.

<sup>5</sup> This attack on the primary finally failed.

<sup>6</sup> The legislature of 1915 showed itself extremely conservative.

responsibility for the making of law to fit contemporary conditions upon the legislature, where it belongs. If we shift all responsibility from the shoulders of our representatives we ought not to blame them for finding it out. The way to get responsible legislatures is to make them responsible. Give them time and opportunity to work out our problems unhampered by the ball and chain of a bygone generation. This is the lesson the democracy must learn if it is to cope with the problems of the twentieth century.